

HOSHI KAZUO

JULY 2, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FELLOWS, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 1920]

The Committee on the Judiciary, to whom was referred the bill (H. R. 1920) for the relief of Hoshi Kazuo, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to facilitate the admission into the United States of the minor half-Japanese child in the care of Sgt. John B. Humbert and his wife.

GENERAL INFORMATION

Mr. Lanham, the author of this bill, appeared before a subcommittee of the Committee on the Judiciary and urged the enactment of his measure, testifying as follows:

Because the child in question is the son of an unidentified American soldier, he has no Asiatic features and consequently the Sisters in whose care he was left, hesitated to educate and rear him as a Japanese. They were most anxious that he should be placed in a desirable American home for rearing. As you will see from Sergeant Humbert's letter, the child has brought great joy to these people who have done a humanitarian thing in taking the child to care for and educate. It is my sincere hope that your committee will see fit to take a favorable report on H. R. 1920. I understand that Sergeant Humbert will be returned to the United States in November so I am anxious to do everything possible to expedite action on this matter so that he can bring the boy to America with him.

In addition, Mr. Lanham filed with the committee the following documents containing pertinent information regarding this legislation:

GENERAL HEADQUARTERS,
SUPREME COMMANDER FOR THE ALLIED POWERS,
Legal Section, APO 500, March 10, 1951.

Sgt. JOHNNY B. HUMBERD,
602d O. B. A. V. M. Co., APO 712,
Care of Postmaster, San Francisco, Calif.

DEAR SERGEANT HUMBERD: Reference is made to the letter, dated January 20, 1951, from your Congressman, Hon. Henderson Lanham, of Georgia, and to your request for an opinion as to whether you may institute adoption proceedings in Japan.

Generally, under Japanese adoption laws, permission of the family court is required to adopt a minor child in Japan (Civil Code of Japan, art. 798). However, Japanese civil courts cannot exercise jurisdiction over members of the occupation forces and their dependents. Such denial of jurisdiction is based upon paragraph 2 of the Far Eastern Commission's Policy Decision of September 1950 (enclosure 1),¹ and upon paragraph 8 of the directive of the Supreme Commander for the Allied Powers to the Japanese Government of October 18, 1950, SCAPIN 2127 (enclosure 2).¹ Therefore, neither you nor your wife may submit to the jurisdiction of the Japanese court for the purpose of instituting adoption proceedings.

Enclosed for your further action are affidavits in support of the bill pending in Congress for admission of the child, Hoshi Kazuo, to the United States where adoption proceedings may be instituted in a court of competent jurisdiction. These affidavits should be executed before the American consul and thereafter forwarded to your Congressman.

Sincerely yours,

ALVA C. CARPENTER,
Chief, Legal Section.

AFFIDAVIT FOR ADOPTION

CITY OF YOKOHAMA, JAPAN,
American Consular Service, ss:

Mother Theresia Misono and Sister Justitia, being duly sworn, depose and say:

1. That we are members of the Daughters of the Sacred Heart, a religious order of Catholic Sisters, in charge of an orphanage located at Fujisawa, Japan.

2. That on April 2, 1947, a male child, known as Hoshi Kazuo, was left at said orphanage by an unidentified Japanese woman, who alleged that the child was born on February 11, 1947, and that his father was an American soldier, whose name was not known.

3. That the parents cannot be located nor identified.

4. That the Sisters of said orphanage have requested, agreed, and consented that Sgt. Johnny B. Humberd, of the United States Army, and his wife, Thelma Humberd, adopt Hoshi Kazuo, so that he may have a good home and receive a good education.

5. That on behalf of the orphanage and the Sisters, we hereby relinquish all control, custody, or claim to the said Hoshi Kazuo in favor of the said Johnny B. Humberd and his wife, Thelma Humberd.

6. That we hereby waive any and all right to notice of any proceedings with respect to the adoption of said child, or to any steps in such proceedings, and do hereby consent that the child be adopted by and be the child of said Johnny B. Humberd and Thelma Humberd, and do further consent to the entry of a decree to that effect by any court of competent jurisdiction.

In witness whereof, we have hereunto set our hands this 28th day of March 1951, at Yokohama, Japan.

Mother THERESIA MISONO,
Mother General.

Sister JUSTITIA,
Assistant Mother General.

Subscribed to and sworn before me this 28th day of March 1951.

[SEAL]

JAMES B. LINDSEY,

Vice Consul of the United States of America in and for Yokohama, Japan.

¹ Not printed.

In witness whereof, I, the undersigned, a Notary Public in and for the State of Georgia, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of the said Notary Public.

AFFIDAVIT OF ADOPTION
 CITY OF YOKOHOMA, JAPAN,
American Consular Service, ss:

Johnny B. Humbert and Thelma Humbert, husband and wife, being duly sworn, depose and say:

1. That Sergeant Humbert is in the military service of the United States Government on duty with the occupation forces in Japan, and that his wife, Thelma, is residing with him in Japan.

2. That they were married on the 15th day of June 1940, at Rossville, Ga., and have lived as husband and wife ever since, but that the marriage has never been blessed with any children.

3. That they are desirous of adopting a child.

4. That on the 27th day of October 1950, the Sisters (Daughters of the Sacred Heart) requested and agreed that the said Johnny B. and Thelma Humbert assume custody, control, and possession of a male child, known as Hoshi Kazuo, with a view toward adoption.

5. That it was alleged the said child was born in Japan on February 11, 1947, and left at an orphan's home, located in Fujisawa, Japan, in charge of Catholic nuns (Daughters of the Sacred Heart), on April 2, 1947, by an unknown oriental woman, who claimed that the father was an American soldier.

6. That on the 27th day of October 1950, the said Johnny B. and Thelma Humbert obtained custody of the said Hoshi Kazuo from the Sisters (Daughters of the Sacred Heart).

7. That to the best of their knowledge, the parents have not been located or identified.

8. That under present regulations of the Japanese Government and of the Supreme Commander for the Allied Powers, it is not possible for persons in their status to submit themselves to the jurisdiction of the Japanese courts for the purpose of instituting adoption proceedings.

9. That it is their earnest and sincere desire to institute such proceedings immediately in a court of competent jurisdiction in the United States, and hereby undertake to do so.

10. That they are possessed of money, property, and income enough suitably to nurture, care for, raise, educate, and provide for the said child, and to the full performance of all said things are ready, willing, and able to carry out their performance, fully agreeing to accept the said child as their own as if born to them in lawful wedlock, and to make him their heir.

11. That they hereby undertake to treat, care, and provide for said child as their own lawful child with the rights and duties thereunto appertaining as though he were their own flesh and blood.

12. That they will take all appropriate and necessary measures to secure the requisite documents for the admission of said child to the United States of America and assume full liability and responsibility therefor.

13. That the said child has been cared for by the said Johnny B. and Thelma Humbert in their home ever since the 27th day of October 1950.

14. That the attached photograph is a true and recent likeness of the affiants and of the said Hoshi Kazuo.

15. That their domicile is in Rossville, Catoosa County, Ga.; that they own their home, subject to a mortgage balance of \$1,400, consisting of four rooms and bath and a 24-square-foot garage, all situated on 1½ acres of land; that said house and lot are reasonably worth \$6,500; that their personal effects and household goods are free and clear of all liens and encumbrances and of the value of \$2,500; that the reasonable value of their motor vehicle (Dodge 1940) is \$800; that they have cash savings of \$1,000, \$500 of which is on deposit in the American Trust Bank, Chattanooga, Tenn., and \$500 in Tokyo, Japan; that Sergeant Humbert's base pay in the United States Army consists of \$269.35 per month; that he has had 5½ years of honorable service in the Army and Navy and intends to continue such service as a career.

In witness whereof, we have hereunto set our hands this 28th day of March 1951, at Yokohama, Japan.

JOHNNY B. HUMBERT,
Sergeant, United States Army, ASN RA14298029,
 Husband.

THELMA HUMBERT,
 Wife.

Subscribed and sworn to before me this 28th day of March 1951.

[SEAL]

JAMES B. LINDSEY,
Vice Consul of the United States of America in and for Yokohama, Japan.

Upon consideration of all the facts in this case, the committee is of the opinion that H. R. 1920 should be enacted and it accordingly recommends that the bill do pass.

